



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Fax-On-Demand 202 / 418-2830  
TTY 202 / 418-2555  
Internet: <http://www.fcc.gov>  
<ftp.fcc.gov>

**DA 04-2345**

**Release Date: July 28, 2004**

**PARTIES ARE INVITED TO COMMENT ON TRACFONE WIRELESS' PETITIONS FOR  
DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE STATES OF  
FLORIDA AND VIRGINIA**

**CC Docket No. 96-45**

**Comment Date: August 23, 2004**

**Reply Comment Date: September 7, 2004**

Interested parties are invited to comment on two petitions filed on July 21, 2004 by TracFone Wireless, Inc. (TracFone), a provider of commercial mobile radio services (CMRS) seeking designation as an eligible telecommunications carrier (ETC) for the entire states of Florida and Virginia pursuant to section 214(e)(6) of the Communications Act of 1934, as amended.<sup>1</sup> In addition, because TracFone provides CMRS only through resale, TracFone previously filed a petition, pursuant to section 10 of the Act, requesting that, with respect to its ETC applications, the Commission forbear from applying the section 214(e)(1)(A) requirement that an ETC use at least some of its own facilities in offering services supported by the universal service support mechanisms.<sup>2</sup>

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **August 23, 2004**, and reply comments on or before **September 7, 2004**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.<sup>3</sup>

<sup>1</sup>See TracFone Wireless, Inc., Petition for Designation as an Eligible Telecommunications Carrier in the State of Florida, CC Docket No. 96-45, filed July 21, 2004; TracFone Wireless, Inc., Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia, CC Docket No. 96-45, filed July 21, 2004; (TracFone ETC Petitions). See also 47 U.S.C. § 214(e)(6). We note that TracFone should provide copies of its petitions to the Florida Public Service Commission and Virginia State Corporation Commission if it has not already done so. In addition, the Commission will send a copy of this Public Notice to the Florida Public Service Commission and Virginia State Corporation Commission by overnight express mail to ensure that they are notified of the notice and comment period.

<sup>2</sup>See TracFone Wireless, Inc., Petition for Forbearance, CC Docket No. 96-45, filed June 8, 2004 (TracFone Forbearance Petition); 47 U.S.C. § 160. See also 47 U.S.C. § 214(e)(1)(A).

<sup>3</sup>See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

Parties who choose to file by paper also must send three paper copies of their filing to Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-B540, Washington, D.C. 20554. In addition, commenters must send diskette copies to the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II 445 12th Street, Suite CY-B402, Washington, DC 20554.

Pursuant to section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which ex parte communications are permitted subject to disclosure. For further information, contact Thomas Buckley, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400, TTY (202) 418-0484.